

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No.: 5:17-cv-00534-H

EPIC GAMES, INC.,

Plaintiffs,

v.

C.R.,

Defendant.

**DECLARATION OF SERVICE**

Pursuant to Rule 4(l)(1) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1746, Christopher M. Thomas hereby declares and states as follows:

1. I am an attorney with Parker Poe Adams & Bernstein LLP, which represents Plaintiff Epic Games, Inc. (“Epic”) in this action. I am over 18 years of age, under no disability, and have personal knowledge of the facts set forth herein.

2. The declaration is offered as proof of service of Defendant C.R. (“Defendant” or “C.R.”), and of good faith attempts to serve Defendant prior to that.

3. On October 27, 2017, I caused the Civil Summons, Complaint, Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., and Notice of Appearance of Christopher M. Thomas in the above-captioned action to be deposited with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), addressed as follows:

[C.R.]<sup>1</sup>  
5 Vireo Circle

<sup>1</sup> Because I was unaware of Defendant’s status as a minor at the time the papers were filed, the original summons was issued, and service was attempted, the original summons, like some of the other papers filed in the above-captioned matter, contains Defendant’s full name. Defendant’s name has been substituted with initials herein for the reasons stated in Plaintiff’s letter to the Clerk of Court dated November 30, 2017. (DE 7.)

Newark, Delaware 19711  
(Federal Express Tracking Number: 770604485122)

4. The Civil Summons, Complaint, Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., and Notice of Appearance of Christopher M. Thomas were received on October 28, 2017 at 8:31am, as evidenced by the Proof of Delivery Notification, a true and correct copy of which, with Defendant's full name redacted, is attached hereto as Exhibit A.

5. Following delivery of the Civil Summons, Complaint, Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., and Notice of Appearance of Christopher M. Thomas, the undersigned came to be aware that Defendant C.R. may be a minor. (*See* DE 7.)

6. Pursuant to Rule 4(g) of the Federal Rules of Civil Procedure, a minor "in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made." *Id.*

7. Pursuant to Rule 4(f)(1)(II)(b) of the Delaware Superior Court Rules of Civil Procedure, service of process shall be made "[u]pon an infant under the age of 18 years . . . by service in the same manner as upon an individual, upon an adult person with whom such infant resides or who has the infant's place of abode." Rule 4(f)(1)(I) authorizes service of process on an individual by "delivering a copy of the summons, complaint and affidavit, to that individual personally or by leaving copies thereof at that individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein." Rule 4(d) requires that service "shall be made by the sheriff."

8. In light of the possibility that defendant C.R. is a minor, and to ensure compliance with the applicable rules, on November 3, 2017, I caused to be sent, via Federal Express the Civil Summons, Complaint, Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., and

Notice of Appearance of Christopher M. Thomas in the above-captioned action to the Office of the Sheriff of New Castle County, Wilmington, Delaware to be personally served as follows:

C.R.  
5 Vireo Circle  
Newark, DE 19711

9. On November 9, 2017, Deputy Sheriff Joseph Meriggi (“Meriggi”) attempted to serve C.R. at the above address at 11:13am and at 1pm. The 11:13am attempt was unsuccessful. During the second attempt at 1pm, Meriggi was informed by Adam Rogers (C.R.’s uncle) that C.R. is a juvenile and does not live at the address, but rather he lives with his mother, Lauren Rogers, at an unknown address in the vicinity of Wilmington, Delaware. Adam Rogers also stated that he did not know the telephone number at which Lauren Rogers could be reached.

10. On November 22, 2017, Meriggi issued an Affidavit of Non-Service, a true and correct copy of which is attached hereto as Exhibit B. As stated in the affidavit, Meriggi searched Delaware public records to determine the location of C.R. and Lauren Rogers, but was unable to find any information on C.R. and stated that “there are multiple [entries for] ‘Lauren Rogers’ listed with different addresses.” (Exh. B, at p.1.)

11. After receiving the Affidavit of non-service, I caused a report to be run on Lauren Rogers, which listed “501 West Ave, New Castle, DE 19720-5953” as her current address.

12. On or about December 8, 2017, my firm engaged the services of S & H Investigative Services (“S & H”) in Wilmington, Delaware to check the accuracy of the report and otherwise ascertain the current residence address of C.R. and his mother, Lauren Rogers.

13. On or about January 5, 2018, our office was informed by S & H that Lauren Rogers and C.R. had been located and found to reside at 501 West Ave., New Castle, Delaware 19720.

14. As a result of this new information, we filed a proposed amended Summons with the Court containing this new information, and an amended Summons was issued on January 10, 2018. (DE 8-9.)

15. On January 10, 2018, I caused to be sent via Federal Express the amended Civil Summons, Complaint, Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., and Notice of Appearance of Christopher M. Thomas in the above-captioned action to the Office of the Sheriff of New Castle County, Wilmington, Delaware to be personally served as follows:

C.R.  
c/o Lauren Rogers  
501 West Ave.  
New Castle, DE 19720

16. On January 18, 2018, my office received email confirmation from the Office of the Sheriff of New Castle County that service was obtained on January 18, 2018 at 9:43am

17. On January 22, 2018, my office received two affidavits of service from the Office of the Sheriff, New Castle County, Delaware, both dated January 19, 2018, and executed by Deputy Sheriff Allen Harris of the Office of the Sheriff of New Castle County. (True and correct copies of both affidavits of service are attached hereto together as Exhibit C.)

18. Each affidavit confirms that on January 18, 2018 at 9:43am, Deputy Sheriff Allen Harris personally served a copy of the Civil Summons, Complaint, Rule 7.1 Financial Disclosures of Plaintiff Epic Games, Inc., and Notice of Appearance of Christopher M. Thomas on Lauren Rogers, C.R.'s mother and an adult person with whom Caleb Rogers resides at 501 West Avenue, New Castle Delaware, 19720. (See Exh. C at pp.2-4.)

19. I declare under penalty of perjury that the foregoing is true and correct.

*[Signature Block on following page.]*

Executed this the 22nd day of January, 2018.

**PARKER POE ADAMS & BERNSTEIN LLP**



/s/Christopher M. Thomas

Christopher M. Thomas

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*Attorney for Plaintiff Epic Games, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing **DECLARATION OF SERVICE** was electronically filed this day with the Clerk of Court using the CM/ECF system, and that a true and accurate copy of it, **along with the November 30, 2017 letter (DE 7)** was sent to all parties to this cause by depositing the original and/or copy hereof, postage pre-paid, in the United States mail, addressed as follows:

C.R.  
c/o Lauren Rogers  
501 West Ave.  
New Castle, DE 19720

This the 22nd day of January, 2018.

**PARKER POE ADAMS & BERNSTEIN LLP**

/s/Christopher M. Thomas  
Christopher M. Thomas  
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*Attorney for Plaintiff Epic Games, Inc.*